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This chapter clarifies laws and procedures for officers issuing provisional ballots and for electoral boards determining which provisional ballots are counted. [42 USC 15482](#) (HAVA); [§ 24.2-653](#).

29.1 Before Election Day

The following tasks must be completed before the day of the election:

- **Give public notice of Provisional Ballots Meeting and Canvass**
 - Notice of the date, time, and location at which the provisional ballots meeting and the canvass will be held must be given by the electoral board at least three working days prior to the meeting date. See GREB 26, [Virginia Freedom of Information Act](#) (FOIA). It is recommended that the notice state that the board will go into closed session to consider the qualifications of provisional voters.
- **Instruct officers of election**
 - The instruction meeting for chief and assistant chief officers of election (required to be held not more than thirty nor less than three days prior to the election) must include the procedures that officers of election are to follow when a provisional vote must be cast by a voter. [§ 24.2-115](#). The general registrar should be present at any such instruction meeting since the exact procedure to be followed when a voter appears at the polls who is not on the pollbook will hinge on communication between the officers and the general registrar. The *What If*, Provisional Vote Envelope, Precinct Provisional Ballots Log and 1A Envelope are the basic documents to be used when training officers of election on procedures to issue and complete a provisional ballot and transmit them to the electoral board.¹ This Chapter provides additional details focused on the responsibilities of registrars and electoral board members in administering provisional voting.
- **Supplies for Polling Places; Training Chiefs and Assistant Chiefs**
 - Each polling place must be stocked with sufficient ballots, provisional ballot envelopes and HAVA-5 Provisional Voter Notice forms, and all precinct chiefs and assistant chiefs must be trained on the current procedures for (i) offering provisional voting to the fullest extent possible, (ii) securing additional ballots or envelopes when needed, and (iii) emergency procedures. See GREB 18 and 27 on Election Day and Emergency Procedures, respectively.

29.2 On Election Day: Quick Reference Chart -- Provisional Ballot Procedures by Envelope Reason Number

The chart below is a quick guide to the procedures for each reason on the provisional vote envelope (PVE). Under Reason #3 (voters without required HAVA ID), an additional item is listed on the chart for absentee ballots mailed in without the required HAVA ID.

¹ In 2010, the SBE staff approved the use of a certification form when there are no provisional votes so as to allow reuse of Envelope 1A.

The columns in this chart address the following questions, based on the voter's reason for voting a provisional ballot:

- Is this voter listed on the pollbook in the precinct? Are there any special notations on the pollbook?
- Which ID requirement applies—the "normal" ID requirement for Virginia voters, or the special HAVA ID requirement for some voters in *federal* elections?
- Are there additional steps for the officers of election, depending on the voter's reason? (Officers should primarily rely on the *What If* for detailed instructions.)
- What research should be done by the registrar or electoral board before the electoral board decides the validity of the ballot? Is there information/research the voter can present to help his/her ballot count?
- What else does the electoral board need to know in order to count the ballot if the provisional ballot envelope (or absentee envelope, #3 AB below) is
 - **completed and signed,** and
 - **the ballot was cast in the voter's legal precinct,** and
 - **the voter is otherwise qualified to vote** (not a felon, etc.)?

Provisional Reason Numbers

OFFICER OF ELECTIONS USE ONLY: If the name of the voter is NOT on the pollbook and you either have no way to contact the General Registrar or the General Registrar authorizes absentee conditions 3, 4 or 5 below, have voter complete the reverse side. Read the statement below to the voter and have the voter verify must vote a paper ballot and seal the voted ballot in this envelope. Enter voter's information in Provisional Ballot Log. Do NOT mark pollbook. Electoral Board will determine voter qualification.

STATEMENT OF VOTER - I hereby make the following statement, under felony penalty of law. I am qualified and registered to vote in this precinct, and (check box(es) that apply):

A. YOUR NAME IS NOT ON POLLBOOK

1. ☐ I am now or have been an actual resident of this precinct at some time since the November general election last year. OR

2. ☐ I have been an actual resident of this precinct at some time since the second preceding general federal election, I am now an actual resident of this county or city, and my present residence is in the same congressional district as this precinct.

B. OTHER REASONS STATED BELOW

3. ☐ I registered by mail on or after January 1, 2003, am voting for the first time in a federal election, and did not show one of the forms of identification required by federal law. (Voter's name IS on pollbook.) OR

4. ☐ I am voting after the normal poll closing time due to a court order extending the time established by state law for closing the polls. (Reasons 1, 2, 3 or 5 also may apply to this voter.)

5. (check one) ☐ I applied for but did not receive my absentee ballot. OR ☐ I applied for and received but lost my absentee ballot. (Reasons 3 or 4 also may apply to this voter.)

To the best of my knowledge, I am not disqualified from voting by the Constitution and laws of this Commonwealth and my registration is not subject to cancellation. The information given on the reverse side of this envelope is true and correct and I have not voted and will not vote in this election at any other time or place.

WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500.

SIGNATURE OF OFFICER OF ELECTIONS _____ SIGNATURE OF VOTER _____
 I CHECK IF VOTER SIGNED AFFIRMATION OF IDENTITY STATEMENT DATE _____

Quick Reference Chart

Provisional Ballot Procedures by Envelope Reason Number

Voter's Reason on Provisional Vote Envelope	Is Voter's name listed on Pollbook?	Which ID requirement applies, normal or HAVA? (See <i>What If</i>)	Additional Instructions for Officers of Election	GR/EB Research / Process before EB decision	EB must count if ballot completed, signed and cast in voter's legal precinct AND voter qualified to vote AND:
1 or 2 -- Voter's name not on pollbook	No, or EPB is inaccessible	Normal ID; if Affirmation of Identity used, check box below officer's signature on PVE.	<ul style="list-style-type: none"> - Unable to contact registrar, or registrar unable to confirm that voter IS registered. - Voter must claim to be a registered voter in the precinct. (Check address or other lists to make sure voter is in correct precinct.) - Voter must attest to legal residence in precinct where PV is cast during allowed time period by checking either reasons 1 OR 2, as appropriate, on PVE. - Officer must give voter VA Voter Registration Application and inform voter that completing application at polls <i>may</i> affect whether PV is counted; otherwise will be used to register for future elections. - If EPB is down, allow voter to cast PB, but keep a written record of who casts a PB for this reason. 	<ul style="list-style-type: none"> - Any record of a timely registration application? Search files and request SBE research if voter says he/she registered at DMV/other NVRA agency. - Voter may have timely agency registration receipt or present evidence cancellation was not proper. - Non-agency VR receipt is not "proof" but may help to find the application. - If there is record of timely application to a GR, DMV or another NVRA agency, process voter reg. app. from polls backdated to COB. - If voter should not have been cancelled, reinstate. 	Count PV if voter was or should have been registered (see research).
3 -- HAVA ID required / not shown; voting at polls	Yes, with "H"	Federal Elections Only: HAVA ID required; if no ID, must vote provisional ballot. Cannot use Affirmation of Identity. If no federal office on ballot: Normal ID.	None. Complete PVE normally. Do not use Affirmation of Identity.	None	No other requirement applies to this voter. Count ballot.

Voter's Reason on Provisional Vote Envelope	Is Voter's name listed on Poll-book?	Which ID requirement applies, normal or HAVA? (See <i>What If</i>)	Additional Instructions for Officers of Election	GR/EB Research / Process before EB decision	EB must count if ballot completed, signed and cast in voter's legal precinct AND voter qualified to vote AND:
3 (AB) -- HAVA ID required / copy not sent with absentee ballot	Yes, with "H"	Federal Elections Only: HAVA ID required; if no ID, must be <i>treated</i> as provisional	If copy of HAVA ID not returned with voted absentee ballot, refer voter's <i>resealed</i> (OE sign/date) AB envelopes and <i>uncounted</i> ballot to EB in 1A envelope with any other provisional ballots. Do not use PVE.	None.	No other requirement applies to this voter. Count ballot.
4 -- Polling Hours Extended by Court Order	Yes or No (as other PV reasons may apply; follow procedures for each additional reason)	Federal election: Normal ID or HAVA ID, as shown on pollbook; If no federal offices on ballot: normal ID. If voter not on pollbook see reasons 1&2 above. If Affirmation of Identity used, check box below officer's signature on PVE.	<ul style="list-style-type: none"> - Check regular pollbook to determine whether voter is registered, and voter's ID status, but do not make any marks/entries in regular pollbook. - Record all Reason #4 voters on a separate Provisional Ballots LOG (it will also serve as the extended hours pollbook). - Keep all reason #4 ballots and records <i>separate</i> from those used during normal voting hours (even if another reason also applies), and use 1B envelope. 	Normal research for reasons # 1, 2 or 5, as appropriate.	-If court order has not been overturned, count normally, but separately from PVs cast during normal hours. - Count reason #4 ballots with <i>additional</i> reasons as appropriate for those reasons (still keeping separate from normal hours PVs/counts).
5 -- Voter on AB list appears at regular polling place; says absentee ballot lost or not received	Yes, with "AB"	Federal election: Normal ID or HAVA ID, as shown on pollbook No federal offices on ballot: Normal ID	<ul style="list-style-type: none"> - Voter is <i>not</i> shown as having returned a voted absentee ballot. - If absentee ballots are counted in the precinct (not in a CAP), use Ballot Lost or Not Received form, and have voter complete form then vote normally. - If ballots are counted at CAP, voter must attest that absentee ballot was not received or lost by checking <i>either</i> the "did not receive" or "lost" box under reason #5 on PVE. 	Was a voted absentee ballot received and counted?	Count PV if a voted absentee ballot from this voter was not received and counted.

Key to terms in chart:

1A - Large envelope to convey voted provisional ballots cast during normal voting hours

1B - Large envelope to convey voted provisional ballots cast after normal voting hours when court orders voting hours extended

COB - Close of Books

HAVA - Help America Vote Act of 2002 (federal law)

OE - Officer of Election

PV - Provisional Vote

PVE - Provisional Vote Envelope (with Statement of Voter)

LOG - Precinct Provisional Ballots Log

NVRA - National Voter Registration Act of 1993 ("Motor Voter") (federal law)

29.3 On Election Day: Details on Specific Provisional Ballot Reasons

29.3.1 Reasons # 1 or # 2 - Voter's name not on pollbook; Voter says he/she is registered to vote in that precinct

- If the name of a voter does not appear on the precinct pollbook, the voter must be given a provisional ballot to vote if
 - the general registrar cannot be reached, or
 - the general registrar is unable to determine that a voter is registered to vote, AND
 - the voter states he or she is a registered voter in the precinct.
- An officer of election should ask the voter for correct spelling of name or if there has been a recent name change.
- An officer of election should check for the voter's name at the end of the alphabetical section or on any separate listing provided by the registrar.
- An officer of election should ask when and where the voter registered to vote and last voted. If the voter advises he or she registered at a DMV or other NVRA agency, ask if he or she knows the date or approximate date and at which DMV or NVRA agency location he or she registered in order to provide this information to the registrar for lookup purposes when calling the office. [§ 24.2-444](#).
- An officer of election should obtain the voter's full legal name, address, and social security number before calling the registrar's office. The officer should explain that providing the information is optional and requested in order to look up the voter's record.
- An officer of election should check the street file records, alpha roster, electronic device, electronic pollbooks, other such materials provided, or information from the general registrar to determine if the voter is in the correct precinct. If the voter is found to be in the incorrect precinct, advise him or her of the correct precinct in which he or she is registered and advise that he or she can only vote in that precinct in order to have his or her ballot counted.
 - Exception: If proof is found that the person attempted to register (or transfer/update his or her registration) at DMV or another NVRA agency before the registration deadline, and the person completes a voter registration form *at the polls*, that application will be accepted or rejected as if it had been received on time. If the voter is found qualified to be registered, the provisional ballot must have been cast in the precinct in which the voter would have been registered.
- The chief officer of election (or an officer designated by the chief) must take the voter aside and contact the general registrar. Consider that voters may be embarrassed by having attention drawn to them and take precautions to protect the privacy of all personal information. The general registrar will advise the officer whether the person in question has been erroneously deleted from the pollbook and explain the necessary procedure.
 - At this point, two situations may exist:
 - The registrar informs the officer that the voter was erroneously deleted from the pollbook.

- The registrar informs the officer that the voter was not erroneously
- deleted from the pollbook, or the registrar is unavailable.

29.3.1.1 Voter cannot be found in the pollbook

A clarification of the law was passed, and goes into effect July 1, 2011, that specifically states that if the electronic pollbooks become inaccessible or inoperable at a precinct, and no alternate list or pollbook is available, a voter is to be given a provisional ballot to cast. The officers of election at the location must keep a written list of those who cast provisional ballots due to this occurrence.

Due to law change effective July 1, 2010,² SBE has modified its instructions for voters who cannot be found in the pollbook to mandate provisional voting in all cases regardless of whether the general registrar can be reached to explain the omission.

The officer of election *must* inform the individual of his or her right to cast a provisional ballot if the individual believes he or she should be legally registered to vote in the precinct, and the individual signs the Provisional Ballot Envelope under felony penalty for making false statements that he or she is a registered voter of the precinct. The provisional ballot envelope collects important individually identifiable information including social security number and full date of birth. It must be handled securely and not be made visible to others.

Officers of election must also provide a voter registration application to any voter voting a provisional ballot because his or her name was not listed on the pollbook. The officers should have the voters fill out the applications in the polling place so that the officers may deliver the completed applications to the general registrar after the polls close. These applications may be used to determine the voters' qualifications and to have the provisional ballots counted by the electoral board. Explain to the voter that completing this application may affect, but does not ensure, the voter's qualifications to have the provisional ballot counted and will be used to register the applicant for future elections if he or she is determined to meet the qualifications to register to vote. [§ 24.2-653](#).

If the voter or SBE indicates the person submitted an application at DMV or other NVRA agency *prior* to the close of books, and the voter submitted a completed application on Election Day, and the registrar determined the voter was qualified from the application submitted at the polls, the provisional ballot must be counted by the electoral board. [§ 24.2-653\(B\)](#). The officer of election will have asked the voter for the date and location of the DMV or other NVRA agency at which the voter submitted a voter registration application. The general registrar working in conjunction with the SBE and the DMV will determine if there are any records pertaining to the registration. If there are records from DMV or other NVRA agency, there are two scenarios which could have occurred:

² The Government Data Collection and Dissemination Practices Act requires specific statutory authorization to collect the social security number. § 2.2-3808. The Code provides such authorization for provisional voters and voters erroneously omitted from the pollbook, but not for challenged voters or voters lacking identification. §§ 24.2-643, 24.2-651, 24.2-652, and 24.2-653.

- The DMV audit shows that the voter indicated a “no” when asked if he or she would like to register to vote or update registration information (or "yes" but after the close of books for the election). In this case, if there are no other timely records available from the registrar or the SBE, the voter did not register to vote and the provisional ballot should not be counted. [§ 24.2-401](#).
- The voter either has an acknowledgment form from DMV or the DMV audit shows the voter indicated a “yes” when asked to register or update registration information **before the close of books**, or another NVRA agency may indicate the voter submitted a timely application through the agency. In the absence of any records from the general registrar or SBE concerning this registration application, the only records available indicate the voter made his or her best effort to register to vote or update his registration record and the administrative system in place failed to deliver the information to the registrar in a timely manner.
 - The general registrar must use the registration application completed when casting the provisional ballot to determine the applicant’s eligibility to register; and if qualified, the registrar must register the voter **retroactively to be effective as of the deadline for close of books for the election**. [§ 24.2-653](#).
 - If the general registrar determines the voter was qualified from the application completed at the polls, and the voter has a timely registration receipt from DMV or another NVRA agency, or SBE indicates the voter had submitted an application prior to the close of books, the electoral board must count the voter’s provisional ballot. [§ 24.2-653](#).

29.3.2 Reason # 3 -- HAVA ID required / not shown; voting at polls

A person who is listed on the pollbook for a federal election with an H (for HAVA) next to his or her name, who is not able to produce one of the following forms of identification, *must* be given a provisional ballot to vote:

- a current and valid photo identification
- a copy of a current utility bill, bank statement, or paycheck
- government check or other government document that shows the name and address of the voter ([42 USC 15483](#) (HAVA); [§ 24.2-643](#))³

The Affirmation of Identity form may not be used by this voter. The officer must ensure the voter checked Reason # 3 on the back of the provisional ballot envelope. [42 USC 15483](#) (HAVA); [§ 24.2-643](#).

Federal and state laws provide that HAVA voters (marked with "H" on the pollbook) who do not show one of the specified IDs at the polls may only vote by provisional ballot. Federal law

³ SBE’s website clarifies that the paycheck need not be from a "government," whereas the "other document that shows the name and address of voter" must be a "government" document. Va. Code § 24.2-643 implements 42 USC 15483.

leaves it to the states to decide whether these will be counted. State law does not put any additional requirements on these voters. The provisional voter, by completing the envelope, attests to his or her identity under penalty for false statements. If the envelope has been completed and signed, and the voter is otherwise qualified to vote in the precinct, the electoral board must count the ballot. [42 USC 15482\(a\)\(4\)](#); [§§ 24.2-643, 24.2-653, 24.2-701\(B\)](#), and [24.2-706\(4\)](#).

29.3.3 Reason # 3 (AB) -- HAVA ID required / ID copy not sent with absentee ballot

An absentee ballot returned by a voter who is listed on VERIS, the pollbook, or the final absentee applicant list with a HAVA ID requirement that does not contain a photocopy of one of these ID's must be *treated* as if it were a provisional ballot. [42 USC 15483](#) (HAVA); [§§ 24.2-643, 24.2-653, 24.2-706](#).

As with the no ID HAVA voter at the polls, state law does not put any additional requirements on these voters. The absentee voter (on the application and envelope) has attested to his or her identity under penalty for false statements. Therefore, if the absentee ballot is otherwise valid, the electoral board must count the ballot. [42 USC 15482\(a\)\(4\)](#); [§§ 24.2-643, 24.2-653, 24.2-701\(B\)](#), and [24.2-706\(4\)](#).

The voter was instructed not to seal the ID copy inside the oath envelope containing the voted ballot. The officer must check to see if a copy of a HAVA ID is enclosed with the ballot in the B security envelope (but without fully opening the envelope or looking at the ballot).

If no HAVA ID is returned, the officers should reseal the envelopes from the voter (signing and dating the seal) and place the set in the large **1A** envelope to transmit to the electoral board.

The only absentee ballots transmitted as provisional ballots are those lacking HAVA ID, but the officers may want to attach a note to the outside of the voter's envelope stating "No HAVA ID." The voter is not present, so the smaller Provisional Ballot Envelope with the voter's statement is not used. [42 USC 15483](#) (HAVA); [§§ 24.2-653, 24.2-706](#).

29.3.4 Reason # 4 -- Polling Hours Extended by Court Order

When a court order extends the hours the polls are to be open, any voter offering to vote after the normal polling hours, and who was not in line when the polls would have closed, must vote by a provisional ballot. **Other provisional voting reasons may also apply.** [42 USC 15483](#) (HAVA); [§§ 24.2-643, 24.2-653](#).

All provisional ballots cast after the normal polling hours must be kept **separate** from other ballots and recorded in a separate provisional ballots pollbook, not the regular pollbook. The Provisional Ballots Log, rev. 07/09, will serve as the pollbook for these ballots. The officers

should start a new Log page and not mix these entries with those for provisional voters during normal hours.

Why must they be separate? A higher court might reverse the order extending hours; if ballots and counts are not kept separate, it would be impossible to later determine which were cast during regular hours and which were cast during the extended hours.

The voter should provide one form of required ID based on the voter's pollbook listing (regular or "H"), or follow the appropriate procedures (Affirmation of Identity or provisional) if such ID is not provided.

The officer must ensure that each voter checks reason 4 and any other pertinent reasons on the back of the provisional ballot envelope.

29.3.5 Reason # 5 - Voter on AB list appears at regular polling place; Voter says ballot lost or not received

The procedure below applies at the polls when a voter on the AB list appears at his assigned polling place. This appearance could be a basis to question the veracity of the absentee application. The officers of election must check the final absentee applicant list to determine whether the voter has returned an absentee ballot. The absentee list will be marked to indicate if a ballot was returned either marked or unmarked.

- **No returned ballot:** If the absentee applicant list contains no notation that a ballot was returned either marked or unmarked, the voter must be offered a provisional ballot. [§§ 24.2-653.1, 24.2-708, 24.2-711](#). The provisional ballot envelope (Reason # 5) includes the required statutory statement of non-receipt or loss.
- **Ballot returned:**
 - If the ballot was *returned unmarked*, the voter must be allowed to vote normally on the voting equipment in his or her precinct.
 - If the ballot was **returned marked**, the voter must not be permitted to vote by any method, including a provisional ballot, unless the voter completes the procedures to vote when the voter is marked as having already voted. *See problem #14, What If.*
- The voter should provide one form of required ID based on the voter's pollbook listing (normal or "H"). If ID is not provided
 - Voters not subject to HAVA ID requirements must sign the Affirmation of Identity
 - Voters subject to HAVA ID must check Reason # 3 on the provisional ballot envelope.
- The officer must ensure the **voter indicates under reason # 5 whether the ballot was not received, or was lost.**
- This provisional ballot is counted if voter is still a qualified voter, and it is verified by the electoral board that the voter *did not also* have a voted absentee ballot *counted*.



The remaining procedures in this chapter apply to all provisional ballots, except as specifically noted.

29.3.1 On Election Day: General Provisional Ballot Procedures at Polls

A person voting a provisional ballot, like all other voters, must produce the appropriate identification. Voters not subject to HAVA identification requirements sign an Affirmation of Identity instead. [§ 24.2-643](#).

A provisional ballot must be cast in the precinct in which the voter would legally be eligible to vote or there is no possibility that it will be counted. If the voter is ineligible in the precinct, the officers of election should direct the voter to the proper precinct so that the regular or provisional ballot can be cast.

A voter who moves within Virginia may return to *vote normally* on voting equipment in his or her former precinct under either of the following scenarios **unless his or her registration has been transferred or cancelled**:

- The voter moved from one precinct to another within the State since the last November general election.
- The voter moved since the second previous federal general election, and the voter moved within the same locality and within the same congressional district. [VA Const. II, 1; § 24.2-401](#).

NOTE: A move within the precinct does not affect the voter's ability to vote in that precinct provided that the voter is still registered. See Problems 3 – 7 in *What If* for procedures.

29.3.2 Completion of the Provisional Vote Envelope and Ballot

The officer of election fills in the number/name of the precinct in the top right corner, then gives this envelope to the voter and explains that the voter must enter all required information on the front of the envelope. The officer must verify that the voter has provided all information requested and have the voter fill in any missing information. The officer should request that the voter complete the envelope front before giving the ballot to the voter.

PROVISIONAL VOTE
[PLACE VOTED BALLOT IN THIS ENVELOPE]

NUMBER/NAME OF PRECINCT _____

PRINT VOTER INFORMATION BELOW. ALL INFORMATION MUST BE GIVEN.

FIRST NAME _____ FULL MIDDLE, OR MAIDEN, OR ANY PRIOR LEGAL NAME ☐ None LAST NAME _____ SUFFIX, IF ANY ☐ None

COMPLETE RESIDENCE ADDRESS (INCLUDING ZIP CODE) _____ DATE MOVED HERE _____

IF ONE, RESIDENCE POST OFFICE BOX OR UNIFORMED SERVICES ADDRESS (INCLUDING ZIP CODE) _____

SOCIAL SECURITY NUMBER _____ GENDER ☐ Male ☐ Female BIRTHDATE _____ AREA CODE _____ DAYTIME TELEPHONE NUMBER, IF ONE _____

Privacy Act Notice: This form requires your social security number for identification and to prevent fraud. Your application ~~will be denied~~ if you fail to provide your social security number or any other information necessary to determine your qualification to vote. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2, Title 24.2 of the Code of Virginia and the Government Data Collection and Dissemination Support Act) authorize collecting this information and restrict its use to official purposes only.

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ID Requirement: For all provisional voters other than those listed on the pollbook with "H" for HAVA ID (see Reason #3), the officer *must* ask the voter to present one of the forms of identification normally required of all non-HAVA voters. See page 2, *What If*. This normal ID requirement also applies to all voters voting provisionally because they are not listed on the pollbook.

If the (non-HAVA) voter is unable to provide one of the normal forms of ID, he or she must complete an Affirmation of Identify form and the **officer must check the box** on the back of the Provisional Ballot envelope, below the officer's signature, to indicate that the Affirmation form was used in lieu of ID. [§ 24.2-653](#).

If the voter listed with "H" on the pollbook is unable to show ID, see provisional Reason #3.

Next, the officer of election gives the provisional vote envelope and the ballot (or ballot set) to the voter, instructs the voter to place the voted ballot(s) inside the envelope, seal the envelope and return the sealed envelope to the officer.

When the voter returns the sealed envelope to the officer, the officer must read the statement on the back of the provisional vote envelope to the voter and have the voter check the appropriate reason(s) the voter is casting a provisional ballot. After the statement is read, the voter must sign the envelope. The officer also must sign and date the envelope.

Officer reads statement to voter, has voter check appropriate reasons then sign/date. Officer signs last and indicates if Affirmation of Identity was used.

OFFICER OF ELECTION: Use this envelope only when (A) the name of the voter is NOT on the pollbook and you either have no way to connect the General Registrar or the General Registrar authorizes its use or (B) the voter's name IS on the pollbook but voter meets conditions 3, 4 or 5 below. Have voter complete the reverse side. Read the statement below to the voter and have the voter verify the information and sign. You also must sign. Voter must vote a paper ballot and seal the voted ballot in this envelope. Enter voter's information in Precinct Provisional Ballots Log. Do NOT mark pollbook. Electoral Board will determine voter qualification.

STATEMENT OF VOTER - I hereby make the following statement, under felony penalty of law. I am qualified and registered to vote in this precinct, and (check box(es) that apply):

A. VOTER'S NAME IS NOT ON POLLBOOK

1. ☐ I am now or have been an actual resident of this precinct at some time since the November general election last year. OR

2. ☐ I have been an actual resident of this precinct at some time since the second preceding general federal election, I am now an actual resident of this county or city, and my present residence is in the same congressional district as this precinct.

B. OTHER REASON(S) STATED BELOW

3. ☐ I registered by mail on or after January 1, 2003, am voting for the first time in a federal election, and did not show one of the forms of identification required by federal law. (Voter's name IS on pollbook.) OR

4. ☐ I am voting after the normal poll closing time due to a court order extending the time established by state law for closing the polls. (Reasons 1, 2, 3 or 5 also may apply to this voter.)

5. [check one] ☐ I applied for but did not receive my absentee ballot OR ☐ I applied for and received but lost my absentee ballot. (Reasons 3 or 4 also may apply to this voter.)

To the best of my knowledge, I am not disqualified from voting by the Constitution and laws of this Commonwealth and my registration is not subject to cancellation. The information given on the reverse side of this envelope is true and correct and I have not voted and will not vote in this election at any other time or place.

WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500.

SIGNATURE OF OFFICER OF ELECTION _____ SIGNATURE OF VOTER _____

☐ CHECK IF VOTER SIGNED AFFIRMATION OF IDENTITY STATEMENT DATE _____

Officer checks box if non-HAVA voter signs Affirmation of Identity instead of showing ID.

Officer signs here

Voter signs/dates

29.3.3 No Pollbook Entries for Omitted Voters

The names of provisional voters *not* listed in the pollbook must not be added to the pollbook and are listed *only* in the Precinct Provisional Ballots Log.

29.3.4 Notification to Voter at the Polls

The officer of election must provide certain information to each person who casts a provisional ballot. A supply of Form HAVA-5, Provisional Voter Notice, must be provided to each precinct, and should be preprinted with all the required information:

- The time, date and location the electoral board will meet to consider provisional ballots
- The voter's right to request a one day extension of time to provide information to the board
- The toll free number the voter may call to determine the status of his or her ballot and the locality code for the city or county.

The officer must also check the appropriate reason(s) the ballot was voted provisionally. [42 USC 15482](#) (HAVA); [§ 24.2-653](#).

29.3.5 Precinct Provisional Ballots Log

The officer must fill out the Precinct Provisional Ballots Log, available from SBE, with all the requested information, circling the number(s) corresponding to the reason(s) the provisional ballot was issued.

Other specifics that should be included are

- the person said he or she submitted an application at a DMV location, or submitted a change of address to the registrar's office
- the date and method the voter submitted a registration application
- any other information the registrar instructs to help research the voter's registration status

If the voter claims to have submitted an application at a DMV or other NVRA designated agency, the officers must include the agency name, location and the voter's estimate of the date of submission to enable SBE to look up the voter's record. If the voter has a receipt for his or her registration from DMV or the agency, that should also be noted.

The Precinct Provisional Ballots Log must be placed inside the #1A Envelope (and, if used, for a court-ordered extension of polling hours, the #1B) so that the registrar can use this information to research the claim made by the person offering the provisional ballot. This log will also be used in the days following the election by the electoral board to track the determination of all provisional ballots offered in the locality.

29.3.6 Completion of Envelope 1A (or 1B if used)

After the polls close and the provisional ballot envelopes are removed by the officers from the emergency ballot box, two officers of election representing different parties must complete this process:

- If polling hours were extended by court order, first separate any provisional ballots with Reason #4 checked (other reasons may also be checked), then double-check the sort (one stack of envelopes should have reason #4 checked on *all* the envelopes, and one stack should *not* have it checked on any).
- Count the number of sealed Provisional Votes (green envelopes) cast during normal hours (i.e. Reason #4 is NOT checked on any of the envelopes).
- Put those ballots (Reason #4 NOT checked) in the 1A envelope.
- Put the Precinct Provisional Ballots Log for the provisional ballots cast during normal hours in the 1A envelope.

- Enter the number of green envelopes with ballots cast during normal hours on Line 1 on the back of the 1A envelope ("NONE" may be entered if applicable OR officers may be instructed to complete the Officer Certification to Reuse Empty Provisional Ballot Envelope 1A).
- Sign the certification on the back of the **1A** envelope (TWO OFFICERS).
- Seal the 1A envelope with a label, signing and dating the label (TWO OFFICERS).

1A Envelope - Certification of Officers:

AFTER THE POLLS CLOSE AND BEFORE SEALING THIS ENVELOPE . . .									
TWO OFFICERS OF ELECTION [REPRESENTING DIFFERENT PARTIES]									
<ul style="list-style-type: none"> • COUNT THE NUMBER OF SEALED PROVISIONAL VOTES (GREEN ENVELOPES) CAST DURING NORMAL VOTING HOURS THAT WERE REMOVED FROM THE EMERGENCY BALLOT BOX • ENCLOSE INSIDE THIS ENVELOPE, THE SEALED GREEN PROVISIONAL VOTE ENVELOPES CAST DURING NORMAL VOTING HOURS; • ENTER ON LINE 1 THE NUMBER OF SUCH GREEN ENVELOPES ENCLOSED; OR WRITE "NONE" IF APPLICABLE • SIGN THE CERTIFICATION [TWO OFFICERS] • SEAL THIS ENVELOPE WITH LABEL; SIGN AND DATE THE LABEL [TWO OFFICERS] 									
<table border="1"> <tr> <th colspan="2">CERTIFICATION OF OFFICERS</th> </tr> <tr> <td> 1. GREEN ENVELOPES CONTAINING <i>PROVISIONAL</i> BALLOTS [CAST DURING NORMAL VOTING HOURS] </td> <td>NUMBER ENCLOSED:</td> </tr> <tr> <td colspan="2">SIGNATURE OF OFFICER OF ELECTION _____</td> </tr> <tr> <td colspan="2">SIGNATURE OF OFFICER OF ELECTION _____</td> </tr> </table>		CERTIFICATION OF OFFICERS		1. GREEN ENVELOPES CONTAINING <i>PROVISIONAL</i> BALLOTS [CAST DURING NORMAL VOTING HOURS]	NUMBER ENCLOSED:	SIGNATURE OF OFFICER OF ELECTION _____		SIGNATURE OF OFFICER OF ELECTION _____	
CERTIFICATION OF OFFICERS									
1. GREEN ENVELOPES CONTAINING <i>PROVISIONAL</i> BALLOTS [CAST DURING NORMAL VOTING HOURS]	NUMBER ENCLOSED:								
SIGNATURE OF OFFICER OF ELECTION _____									
SIGNATURE OF OFFICER OF ELECTION _____									

If polling hours were extended by court order, TWO OFFICERS representing different parties must repeat the above procedures to count the green envelopes with Reason #4 checked (other reasons may also be checked), put those envelopes and the Precinct Provisional Ballots Log for the provisional ballots cast *after* normal hours in the 1B envelope and complete, sign and seal the 1B envelope.

29.4 After the Election: Electoral Board's Provisional Ballot Meeting

The procedures set forth below must be followed when provisional votes were cast in your county or city. Unless otherwise indicated, each procedure applies to all elections. [§ 24.2-671](#).

29.4.1 When to Meet

The Code requires the electoral board to meet on the day after the election but does not specify a time. SBE recommends that the meeting begin by noon on the day after the election to determine the qualifications of persons who cast provisional votes pursuant to [§ 24.2-653](#) before beginning the canvass. The time selected must be included in the required Provisional Voter Notice (HAVA-5) given to each provisional voter at the polls.

29.4.2 Where to Meet

This meeting must be held in either the general registrar's office or some other designated room in the courthouse. It is recommended that this meeting be held, if at all possible, in the general registrar's office as the general registrar must be present and must be able to consult his or her records in order to assist the electoral board in properly making its determination concerning voter qualifications. The location selected must be included in the required Provisional Voter Notice (HAVA-5) given to each provisional voter at the polls.

29.4.3 Who Should Attend

- All members of the electoral board should be present for this meeting and the canvass of the election. In the event one member is unable to attend, two members constitute a quorum and may proceed to determine the qualifications of persons who cast provisional votes.
- Should the secretary of the electoral board be unable to attend the meeting due to some extreme emergency, the two remaining Board members must decide who will serve as acting secretary. [§ 24.2-106](#). All official documents related to processing provisional votes and the canvass must be signed accordingly. Only those members of the board present during the entire process may legally sign any official document.
- Prior to the meeting, the electoral board must pick up from the general registrar or clerk of Circuit Court the #1A (and, if used, the #1B) provisional votes envelopes for all precincts.
- The general registrar must appear at the meeting with the pollbooks used at all precincts (having picked them up from the Clerk of Circuit Court).

29.4.4 Who May Also Attend

- Persons who cast provisional ballots who wish to present evidence or request a one day extension.
- One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election who is a qualified voter of the locality must be allowed to attend the provisional meeting but cannot impede the orderly conduct of the determination.

Each such representative must present a written statement signed by the county or city party chair, the independent candidate, or the primary candidate as appropriate. Such chair or candidate may serve as his or her own representative, and may not be asked to submit a written statement authorizing himself or herself. [§ 24.2-653](#).

29.4.5 Conducting the Meeting

The entire canvass, including the provisional ballots meeting, is “a meeting” of the Electoral Board, and [Virginia Freedom of Information Act \(FOIA\)](#) procedures regarding meetings apply. Notice of the meeting should have been given at least three days prior to the meeting (probably along with the public notice for the canvass). [FOIA](#). The election laws also require that an Election Day notice be given to any voter who casts a provisional ballot before they leave the polling place (the HAVA-5 form).

- Every meeting is open to the public unless the law states that it can be closed. [FOIA](#). **No part of the canvass, including the provisional ballots meeting, should be closed except on advice of legal counsel present at the meeting.**
- **All closed meetings must be surrounded (begun and ended) by an open meeting.** The board must convene the provisional ballots meeting in public. Minutes must be taken during the open meeting, and a record of the motions and votes preserved, including the motions to close the meeting and certify the closed meeting (below). All board votes must be taken in the open portion of the meeting. Board votes may not be by paper or secret ballot.
- After the provisional ballots meeting is convened as an open meeting, a member will make the following (sample) motion:
 - “I move that the Electoral Board of _____[locality name] convene in closed session pursuant to section § 24.2-653(B) of the Code of Virginia for the purpose of considering whether each person who submitted a provisional vote at the election was qualified to do so, and I also move that the general registrar and _____[specifically identify any other needed EB/GR staff] and any authorized representatives of candidates or political parties, as specified in section 24.2-653(B), be allowed to remain in the room during the closed meeting, and that any persons who cast provisional votes and who are present be allowed to enter the room while their qualifications are considered and to present any relevant information on their behalf to the board.”
- After the motion is seconded and approved, all those not listed in the motion as allowed to remain in the room must leave, and the door must be closed. Minutes are not required during the closed meeting, and if taken, are exempt from public disclosure. [§ 2.2-3705.1\(5\)](#).
- Provide for an area nearby for any provisional voters in attendance to wait, and provide for a staff member identified in the motion to let the registrar know (preferably by note listing voter name and precinct) whenever another provisional voter arrives.
- If a provisional voter is present during the meeting, every reasonable courtesy should be extended. For example, the voter's case can be taken up out of order so that he or she does not have to wait long, or the board can reexamine the voter's case if the meeting is

still going on and the voter arrives after the board has first looked at his or her qualifications. The board can reconsider a provisional ballot which has already been reviewed (in the closed meeting) or rejected (by vote in the open portion of the meeting) if new information is received while the provisional ballots meeting is still going on (or has been adjourned from day-to-day).

- Any provisional voter may ask that the meeting be extended to the next day to give him or her opportunity to provide evidence or information. The electoral board shall grant such extensions that it deems reasonable to determine the status of the provisional vote, and to adjourn the meeting from day-to-day, not to exceed seven calendar days from the date of the election. [§ 24.2-653](#).
- In the absence of provisional voters waiting in person to present their qualifications, take up the ballots one precinct at a time in the order specified on the Precinct Provisional Ballots Log. To facilitate consideration, the registrar should (1) verify that both the precinct number and page numbers have been entered on the Log sheets, then (2) make and distribute copies of the Log sheets to the electoral board members at the meeting. The registrar and board members can then refer to specific provisional voters in the reconvened public meeting, when the votes are taken on whether to count the ballots, without calling out their names. For example, Precinct 201's provisional voters would be 201, page 1 #1, and so forth. Upon request, the candidate/party representatives present in the closed meeting should be allowed to inspect a copy of the log.⁴
- If the provisional ballots meeting is to be continued day-to-day, the motion at the close of the meeting would be
 - "I move that the provisional ballots meeting of the Electoral Board of _____ [locality name] stand adjourned until _____ [time] tomorrow."
- If the provisional ballots meeting is adjourned from day-to-day because of voter requests, research needs, or a large number of provisional voters, the canvass can still proceed on schedule. The canvass cannot be completed until the provisional ballots meeting is totally completed and adjourned.
- Once the business for the day for the closed meeting is completed, the closed provisional ballots meeting must be reconvened as an open meeting. Open the doors and invite in anyone waiting outside. [FOIA](#) requires that the public body take a roll-call vote certifying the closed meeting. A sample motion would be
 - "I move that the Electoral Board of _____ [locality name] certify that in the closed session just concluded the only matters discussed were the qualifications of provisional voters, as directed by [§ 24.2-653](#) of the Code of Virginia, and as identified in the motion to close the meeting pursuant to the Virginia Freedom of Information Act."
- In the open meeting, the electoral board should then vote on the qualifications of the provisional voters whose qualifications were discussed in the closed meeting.
 - If the log sheets have been numbered, as suggested above, it will facilitate making the motions without reading names. The motions can group voters in similar circumstances, but if reconsideration of one voter's qualifications is later required, the entire motion would have to be reconsidered, that one voter's ballot pulled out for

⁴ Representatives are allowed to inspect a copy of the log but may not obtain a copy for themselves. [Op. Va. Att'y Gen. 08-041](#).

discussion, and the motion on the rest made and adopted again. The process can be adjusted depending on the volume of provisional ballots, and voting delayed on any ballots for which it is known that information is still being gathered.

29.5 After the Election: Electoral Board Determines Qualification of All Provisional Voters Before Opening Any Individual Envelopes

The SBE mandates that the electoral board determine the eligibility of all provisional voters before opening any of the provisional ballot envelopes for counting. [SBE Policy 2009-006](#).

- The electoral board must open, one precinct at a time, the #1A envelope (and, if used, the #1B envelope) marked “provisional votes” and proceed to determine the qualifications, one by one, without opening the green envelopes, of each person who cast a ballot in a green provisional ballot envelope.
 - The first qualification is that the person be registered to vote.
 - Second, the person must have been legally eligible to vote in the precinct in which the vote was cast.

The general registrar will provide any information that he or she has available to determine if the voter casting a provisional ballot was legally eligible to vote in the precinct in which the voter cast the provisional ballot. (See chart near the beginning of this chapter.)

29.5.1 Person is determined not to be qualified

- The green envelope remains sealed.
- After voting in open meeting to disqualify the ballot, the Electoral board must
 - Write “disqualified” across the front of the unopened green envelope and explain why the ballot has been disqualified (for example: no record of registration found, registered after deadline, not qualified (felon, etc.), not legally eligible to vote in precinct).
 - Return the voter's sealed, green envelope to the 1A (or 1B, if used) envelope for that precinct marked “provisional votes.”
- Note on the 1A (or 1B) envelope the number of green envelopes for disqualified persons remaining at the conclusion of the determination for that precinct.

The electoral board or general registrar must keep a detailed list of the provisional ballots counted and not counted in order to provide this information via the toll-free access system and to send correspondence to the voter whose provisional ballot was not counted, giving the reason the provisional ballot was not counted as required by both HAVA and the Code of Virginia. In addition, information on whether the provisional ballot was counted, and if not, the reason why, must be entered into VERIS in order to apply voting credit for the counted ballots and generate appropriate correspondence. The Precinct Provisional Ballots Log included in the #1A (and if

used, #1B) “provisional votes” envelope completed on Election Day by the officers of election should be used for this purpose. The registrar should mark the original Log to indicate if the ballot was counted, and why or why not, and then make and retain *a copy* of the completed log in order to provide this information to those persons casting provisional ballots and to issue the required correspondence. The *original* Precinct Provisional Ballots Log must be returned to the 1A (and if used the 1B) envelope, to be sealed in the Clerk's office in the event of a contest. Whether a ballot *should have been* counted (or not) can be an issue in a contest but not in a recount. [42 USC 15482](#) (HAVA); [§§ 24.2-653, 24.2-802\(B\)](#).

29.5.2 Person is determined to be qualified

After voting in open meeting to qualify the ballot and after the decision on *all* provisional ballots is complete, the electoral board must do the following:

- Enter the name of the voters whose provisional ballots are to be counted in a separate pollbook (not the pollbook used on Election Day).
 - One provisional vote pollbook is used for the city or county (and one for each town if town elections were held). The pollbook should be marked with the name of the city or county (or town) and the words “provisional votes.”
 - If the locality is split by congressional districts, in a statewide or federal election, the provisional ballots must be counted by congressional district, so there will be one provisional ballots pollbook and one ballot box for each congressional district.
 - Special Procedures for Provisional Voting Reason #4 (Polling place hours extended by Court Order): The 1B envelopes should have been used if this reason is applicable. If that court order has not been overturned when the provisional ballots are otherwise ready to be counted, the provisional ballots counted from the 1B envelope must be entered in a separate pollbook marked with the county, city or town name (and congressional district if split) and "votes cast after normal voting hours." **Votes cast after normal voting hours (after-hours ballots) must be kept separate and cannot be mixed with ballots cast during normal voting hours.** Ballots cast during normal voting hours must be completed first. The electoral board should both verify that the ballot box is empty and seal the counted ballots cast during normal voting hours for delivery to the Clerk (below), before beginning to count the ballots cast after normal voting hours.
- Enter the number of the city, county, or town precinct (as shown on the pollbook) in the column immediately to the left of the voter's name, and enter the voter's name and address only.
- Open the green envelope of the voter determined to be qualified.
 - Remove the ballot therein.
 - Place the ballot in the appropriate ballot box (see above) without any inspection further than to assure that only a single ballot or ballot set has been tendered and that the ballot is a genuine ballot by inspecting the official seal upon the back of the ballot, without looking at the printed inside of the ballot.
 - Place the *opened, empty* green envelopes for each precinct in the 1A (or 1B, if used) envelope for that precinct.

- Note on the envelope the number of green envelopes contained therein for persons determined to be qualified.
- After all ballots from qualified voters have been removed, and all empty envelopes from qualified voters and sealed envelopes from persons not qualified have been returned to the 1A (or 1B, if used) envelope, and the *original* Precinct Provisional Ballots Log has been returned to the envelope (with the registrar keeping a copy), reseal the envelope by placing a label across the flap. Electoral board members should sign and date the label and return the resealed envelope to the Clerk of Circuit Court.
- The resealed 1A (or 1B, if used) envelopes will remain in the Clerk's office. [§ 24.2-669](#). Note that the provisional ballot envelope assures voters that “this document is available for public inspection only under order of a court.”

1A Envelope - Certification of Electoral Board:

ELECTORAL BOARD MEMBERS: ON THE DAY AFTER THE ELECTION	
<ul style="list-style-type: none"> • FOLLOW DIRECTIONS IN THE GENERAL REGISTRAR AND ELECTORAL BOARD MANUAL (CHAPTER 15), FOR INSTRUCTIONS ON COUNTING PROVISIONAL VOTES CAST DURING NORMAL VOTING HOURS • ENCLOSE INSIDE THIS ENVELOPE THE OPENED GREEN ENVELOPES (VOTERS QUALIFIED) AND THE GREEN ENVELOPES NOT OPENED (PERSONS NOT QUALIFIED) • ENTER THE NUMBER OF ENVELOPES ON LINES 2, 3 AND 4 • SIGN THE CERTIFICATION (Secretary) • RESEAL ENVELOPE 1A BEFORE RETURNING IT TO THE CLERK OF CIRCUIT COURT 	
CERTIFICATION OF ELECTORAL BOARD	
2. ENVELOPES OPENED [VOTERS QUALIFIED TO VOTE]	PLACES ENCLOSED
3. ENVELOPES NOT OPENED [PERSONS NOT QUALIFIED TO VOTE]	PLACES ENCLOSED
4. TOTAL ENVELOPES ENCLOSED [MUST BE SAME NUMBER LISTED ON LINE 1]	TOTAL ENCLOSED
_____ SIGNATURE OF SECRETARY OF ELECTORAL BOARD	

1A REV 9/05

29.6 After the Election: Ascertainment of Results

When a determination has been made of the qualifications of *all* persons in the city, county or town that cast a ballot pursuant to [§ 24.2-653](#), the electoral board, acting as officers of election for purposes of counting the provisional ballots, must do the following:

- Proceed to ascertain the number of provisional votes cast for each person and for and against each question by those found to be qualified by hand counting the provisional

ballots in the ballot box (following all standard procedures for counting paper ballots including the Ballot Examples for Hand Counts and Recounts).

- If separate provisional ballots pollbooks and ballot boxes are required for different congressional districts or for town elections, a separate statement of results should be prepared for each.
- Complete two copies of the “Statement of Results” and place one copy with the provisional ballots pollbook. Retain the second copy as usual.
- Place the voted and counted ballot(s) in a **NEW #3**, “counted ballots” envelope and enter “Provisional Ballots” as the name of the precinct (and the town or congressional district if applicable; see above).
- Seal the envelope by placing a label across the flap. Electoral board members should sign and date the label and deliver the sealed #3 envelope to the Clerk of Circuit Court.

29.6.1 Abstract of Votes and County/City Results Report

When the electoral board meets to determine the results of the election and complete the “Abstracts of Votes,” the **total votes received by each candidate entered on the abstract must include any provisional votes received** by the candidate. [§ 24.2-675](#). Add to the total vote from all the precincts for each candidate the number of provisional votes received. (Total vote from all precincts + provisional votes = total votes for candidate.) The same procedure is followed for votes cast for and against each issue on the ballot.

On the “County/City Results Report” this information is entered, as appropriate, on the line labeled “Provisional Vote.” The total number of persons whose provisional votes were cast by the board is entered on the “Provisional Votes” line in the “Number Voting” column in the “Registered Voters” section of this report. This information is *not* included in the data reported for the precinct in which this provisional voter resides.

29.7 After the Election: Provisional Ballot Data Entry and Notification to Persons Not Qualified

After the determination of all provisional ballots by the electoral board, the registrar must enter all provisional ballot information into VERIS election night reporting (and for individual voters) in order to apply voting credit and issue correspondence to voters whose provisional ballots were not counted.

29.8.1 Entry of Results

The total number of provisional ballots counted as valid votes by the electoral board must be entered as a separate “Provisional Votes” precinct. The registrar must enter the provisional votes by selecting to report the election results “By Office” and entering the total votes for each candidate in the “Provisional Votes” precinct. In addition, the total provisional votes cast for the

office must be entered here. Total provisional votes cast is defined as all provisional ballots voted in the election, both counted and not counted. If the locality is split by congressional districts, the provisional votes counted and cast must be entered by congressional district for statewide and federal offices.

29.7.1 Entry of Individual Voter Information

The registrar must search for each voter who voted a provisional ballot.

If the voter does exist and is registered in VERIS the registrar must either apply manual voting credit or enter that the ballot was not counted and the reason why the ballot was not counted. If the ballot was not counted, the system will automatically generate the necessary correspondence to be issued to the voter, which will include the reason entered for why the ballot was not counted.

If the voter is a registered voter of another locality, the provisional ballot could not be counted. A registrar may only enter that a ballot was not counted and the reason why for this voter in order to generate the necessary correspondence.

If the provisional voter is not in the system at all, the registrar should process the voter registration application that was required to be provided to the voter on Election Day. After entering the voter application into VERIS, the registrar should enter whether the provisional ballot was counted or not and issue the appropriate correspondence. If the voter did not submit a registration application at the polling place or the application was incomplete (and the person is not known to be disqualified from registering), a voter registration application should be included with the written notice which should also advise the person to complete the application and return it to the registrar's office before the close of books for the next election in the county or city if he or she wishes to be eligible to vote. If the application was denied because the person was not qualified, the appropriate denial should be sent as well as the notice explaining that their ballot was not counted.

If the voter is on VERIS but had been cancelled, the registrar must first uncancel, and then enter the provisional voting information (counted or not) and any changes to the information (new address, or new registration application, for example).

If this voter should remain cancelled, then the registrar should again cancel and manually pull this second cancellation letter from the day's printed letters before mailing. If the voter had been inactive, entry of provisional voting information (counted or not) will change the status to active. When a previously inactive voter should remain cancelled for some other reason (e.g., felony conviction), the voter's status is returned to inactive before reconciling. The voter must be sent notice that the provisional ballot was not counted and the reason why, and a registration form if the voter has not already been determined to be disqualified from voting.

For any person who is not in the system and who did not submit a voter registration application at the polls, the registrar will need to issue a notice to inform the person that the provisional ballot was not counted and the reason why.